IN THE HIGH COURT OF JUDICATURE OF BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 1210 of 2006

Suryakant Sadashiv Khot .. Petitioner

versus

M/s.Swastik Developers .. Respondents

...

Mr.Amit Borkar for the petitioner.

CORAM : D.G. KARNIK, J

DATED : 28th February 2006.

P.C.:

1. Heard learned counsel for the petitioner.

2. This Writ Petition is directed against an interlocutory order rejecting the application by the petitioner for appointment of the Court Commissioner. Perusal of the prayer clause in the application would show that an application was made for appointment of

the Court Commissioner to inspect the premises and to submit a report regarding the amount of expenses required for restoration of the wall. Thus, Commissioner was sought to be appointed for collecting evidence. It is open to the petitioner to examine an expert for proving the amount of expenses required for restoration of the wall.

3. With this observation, Writ Petition is rejected.

(D.G. KARNIK, J)